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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-438

13 **RICARDO ESTEBAN ALANIZ**
14 **2101 Woodcrest Drive**
15 **Corpus Christi, TX 78418**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Registered Nurse License No. 637697

Respondent.

16
17 **FINDINGS OF FACT**

18 1. On or about November 30, 2012, Complainant Louise R. Bailey, M.Ed., RN, in
19 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs, filed Accusation No. 2013-438 against Ricardo Esteban Alaniz (Respondent)
21 before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

22 2. On or about May 25, 2004, the Board of Registered Nursing (Board) issued
23 Registered Nurse License No. 637697 to Respondent. The Registered Nurse License expired on
24 March 31, 2010, and has not been renewed.

25 3. On or about November 30, 2012, Respondent was served by Certified and First
26 Class Mail copies of the Accusation No. 2013-438, Statement to Respondent, Notice of Defense,
27 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
28 and 11507.7) at Respondent's address of record which, pursuant to California Code of

1 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.

2 Respondent's address of record was and is 2101 Woodcrest Drive, Corpus Christi, TX 78418.

3 4. Service of the Accusation was effective as a matter of law under the provisions of
4 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

5 5. On December 10, 2012, domestic return receipt 7011 2970 0004 2087 4242 for
6 the aforementioned documents was returned by the U.S. Postal Service marked indicating receipt
7 by Olga S. Alaniz on December 6, 2012.

8 6. Government Code section 11506 states, in pertinent part:

9 (c) The respondent shall be entitled to a hearing on the merits if the
10 respondent files a notice of defense, and the notice shall be deemed a specific
11 denial of all parts of the accusation not expressly admitted. Failure to file a notice
12 of defense shall constitute a waiver of respondent's right to a hearing, but the
13 agency in its discretion may nevertheless grant a hearing.

14 7. Respondent failed to file a Notice of Defense within 15 days after service upon
15 him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation
16 No. 2013-438.

17 8. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at
19 the hearing, the agency may take action based upon the respondent's express
20 admissions or upon other evidence and affidavits may be used as evidence
21 without any notice to respondent.

22 9. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on
26 file at the Board's offices regarding the allegations contained in Accusation No. 2013-438, finds
27 that the charges and allegations in Accusation No. 2013-438, are separately and severally, found
28 to be true and correct by clear and convincing evidence.

10 10. Taking official notice of its own internal records, pursuant to Business and
11 Professions Code section 125.3, it is hereby determined that the reasonable costs for
12 Investigation and Enforcement is \$962.50 as of January 16, 2013.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Ricardo Esteban Alaniz has subjected his Registered Nurse License No. 637697 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.

4. Respondent has subjected his Registered Nurse License to disciplinary action under Code section 2761, subdivision (a)(4), in that on March 20, 2012, the Texas Board of Nursing took disciplinary action against Respondent's registered nurse credential by adopting Stipulated Findings of Fact, Conclusions of Law and an Agreed Order pursuant to Texas Occupation Code (TOC) section 301.452, subdivision (b) in a matter entitled, *In the Matter of Registered Nurse License Number 690302 issued to Ricardo Esteban Alaniz*, which resulted in his credential being suspended for a period of two years with the suspension stayed and Respondent being placed on probation for two years.

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1 **ORDER**

2 IT IS SO ORDERED that Registered Nurse License No. 637697, heretofore issued to
3 Respondent Ricardo Esteban Alaniz, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
5 written motion requesting that the Decision be vacated and stating the grounds relied on within
6 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
7 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on MAY 23, 2013.

9 It is so ORDERED APRIL 23, 2013

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11 
12 FOR THE BOARD OF REGISTERED NURSING
13 DEPARTMENT OF CONSUMER AFFAIRS

14 70675512.DOC
15 DOJ Matter ID:SD2012703984

16 Attachment:
17 Exhibit A: Accusation
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Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
4 State Bar No. 101336
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-438**

13 **RICARDO ESTEBAN ALANIZ**
2101 Woodcrest Drive
14 Corpus Christi, TX 78418

A C C U S A T I O N

15 **Registered Nurse License No. 637697**

16 Respondent.

17
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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about May 25, 2004, the Board of Registered Nursing issued Registered
25 Nurse License Number 637697 to Ricardo Esteban Alaniz (Respondent). The Registered Nurse
26 License expired on March 31, 2010, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

....

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 CAUSE FOR DISCIPLINE

2 (Out of State Discipline)

3 8. Respondent has subjected his Registered Nurse License to disciplinary action
4 under Code section 2761, subdivision (a)(4), in that his Texas registered nurse credential was
5 disciplined by the Texas Board of Nursing (Board) in a disciplinary action, which resulted in his
6 credential being suspended for a period of two years with the suspension stayed and Respondent
7 being placed on probation for two years. The circumstances are as follows.

8 9. On September 3, 2002, Respondent was issued a credential to practice as a
9 registered nurse in Texas.

10 10. On March 20, 2012, the Board took disciplinary action against Respondent's
11 registered nurse credential by adopting Stipulated Findings of Fact, Conclusions of Law and an
12 Agreed Order pursuant to Texas Occupation Code (TOC) section 301.452, subdivision (b) in a
13 matter entitled, *In the Matter of Registered Nurse License Number 690302 issued to Ricardo*
14 *Esteban Alaniz*. Respondent was charged with exceeding the scope of practice as a registered
15 nurse in violation of TOC section 301.452, subdivision (b)(10) and subdivision (b)(13), title 22
16 of Texas Administrative Code (TAC) section 217.11, subdivision (1)(A), subdivision (1)(C),
17 subdivision (1)(D), subdivision (1)(P), and subdivision (1)(T), and title 22 TAC section 217.12,
18 subdivision (1)(A), subdivision (1)(B), subdivision (4), subdivision (6)(C), subdivision (6)(D),
19 subdivision (6)(G), subdivision (8), and subdivision (10)(E).

20 11. The facts that led to the charges are that on December 3, 2008, Respondent
21 portrayed himself as a doctor to a patient and performed a pelvic examination on her. On January
22 9, 2010, Respondent assessed, diagnosed, and dispensed medication to a person, who was not his
23 patient. On January 9, 2010, Respondent withdrew Atrovent, Xopenex, albuterol Sulfate and
24 SoluMedrol from the hospital's inventory without a valid physician's order. On January 9, 2010,
25 Respondent misappropriated Atrovent, Xopenex, albuterol Sulfate and SoluMedrol from the
26 medical facility where he was employed.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 637697, issued to Ricardo Esteban Alaniz;

2. Ordering Ricardo Esteban Alaniz to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: November 30, 2012


for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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